

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2091/1	Introduction Number SB-114
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Description
 Small claims court fee

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input checked="" type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input checked="" type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Towns Village Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
CTS/ Nancy Rottier (608) 267-9733	Nancy Rottier (608) 267-9733	4/27/2015

Fiscal Estimate Narratives

CTS 4/27/2015

LRB Number	15-2091/1	Introduction Number	SB-114	Estimate Type	Original
Description Small claims court fee					

Assumptions Used in Arriving at Fiscal Estimate

This bill increases the filing fee for small claims actions from \$22.00 to \$50.00. The fees would be distributed as follows: \$20.00 to the state general fund for use by CCAP and \$30.00 to the county general fund where the action is filed.

When filing a small claims action, a party currently pays a total fee of \$94.50. That amount is composed of a \$22.00 filing fee, a \$51.00 Court Support Services Surcharge and a \$21.50 Justice Information System Surcharge.

The revenues collected from these fees and the distribution of these fees are shown on the attached spreadsheet that is a part of this fiscal estimate. Fees to be collected and distributed are governed by chapter 814 of the statutes.

(In addition, s. 814.86 (1m), Stats., requires Milwaukee County to charge an additional \$3.50 for small claims actions. This fee, a special prosecution clerks surcharge, is distributed to the Milwaukee County District Attorney's office. This fee is not affected by this bill and is not shown on the attached spreadsheet.)

To determine the amount of fees that would be generated by this bill, we have used the average of the number of small claims actions filed in the state in the last three years. The number of small claims actions filed is as follows:

2012 – 161,168
2013 – 148,528
2014 – 134,742
Average – 148,146

Using this figure, the bill would raise an additional \$4,148,088 annually, of which \$1,214,797.20 would be paid to the state general fund for use by CCAP and \$2,933,290.80 would be paid to the general funds of the counties.

It is possible the increase in filing fees will provide a disincentive to file small claims cases. If the number of cases filed is reduced, then the fees generated will also be reduced.

Long-Range Fiscal Implications

Increase in Small Claims Filing Fee: Analysis of Fiscal Effects

Increase of Small Claims Filing Fee to \$50.00
 Distribution of \$50.00 filing fee is \$30.00 to county general fund and \$20.00 to state general fund for use by CCAP

Small Claims	Current Law		AB 139		Difference
	Each Case	148,146 Cases	Each Case	148,146 Cases	
Revenue					
Filing Fee	\$22.00	\$3,259,212.00	\$50.00	\$7,407,300.00	\$4,148,088.00
CSSS	\$51.00	\$7,555,446.00	\$51.00	\$7,555,446.00	\$0.00
JISS	\$21.50	\$3,185,139.00	\$21.50	\$3,185,139.00	\$0.00
Total Collected	\$94.50	\$13,999,797.00	\$122.50	\$18,147,885.00	\$4,148,088.00
Distribution					
County General Fund	\$10.20	\$1,511,089.20	\$30.00	\$4,444,380.00	\$2,933,290.80
State General Fund	\$52.00	\$7,703,592.00	\$52.00	\$7,703,592.00	\$0.00
CCAP	\$17.80	\$2,636,998.80	\$26.00	\$3,851,796.00	\$1,214,797.20
JISS	\$14.50	\$2,148,117.00	\$14.50	\$2,148,117.00	\$0.00
Total Distributed	\$94.50	\$13,999,797.00	\$122.50	\$18,147,885.00	\$4,148,088.00

Estimated Net Fiscal Impact for AB 139:

County General Funds	\$2,933,290.80
State General Fund	\$0.00
CCAP	\$1,214,797.20
JISS	\$0.00
Total	\$4,148,088.00

Abbreviations:
 CSSS = Court Support Services Surcharge
 CCAP = Consolidated Court Automation Programs
 JISS = Justice Information System Surcharge